

CASE NO.: CR 59/2008

IN THE HIGH COURT OF NAMIBIA

In the matter between:

THE STATE

VS

**HELENA IIPINGE
FILLIPUS IIPINGE**

(HIGH COURT REVIEW CASE NO.: 694/2008)

CORAM: SILUNGWE, AJ et LIEBENBERG, AJ

Delivered on: 2008.06.02

REVIEW JUDGMENT

SILUNGWE, AJ [1] Both accused were convicted of theft and sentenced as follows:

Accused 1 and 2 are sentenced to a fine of N\$3000-00 or 30 months imprisonment of which a fine of N\$1000-00 or 6 months imprisonment is suspended in total for a period of 4 years that each accused is not convicted of theft committed during the period of suspension.

[2] As the formulation of the suspended part of the sentence was not properly done, the following order is made:

1. The convictions of both accused are confirmed.
2. The sentences imposed in respect of both accused are set aside and substituted with the following sentence:

Each accused is sentenced to a fine of N\$3000-00 or 30 months imprisonment, N\$1000-00 of which or 6 months imprisonment will be suspended for 4 years on condition that the accused is not convicted of theft committed during the period of suspension.
3. The sentence is backdated to November 22, 2007.

SILUNGWE, AJ

I agree

LIEBENBERG, AJ